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Application No. 10/026413
*Page 7**Amendment*
*Attorney Docket No. S63.2B-10234-US01***Remarks**

This Amendment is in response to the Office Action dated **March 2, 2005**. In the Office Action, claims 2, 5, 6, and 15-18 were objected to. Claims 1, 3, 4, 9-14, 19, 20, and 24 were rejected under 35 USC 102(b) as being anticipated by US Patent 5,935,162 to Dang. Claims 21-23 were rejected under 35 USC 103(a) as being unpatentable over Dang in view of US Patent 5,725,548 to Jayarman et al. Claims 1, 2, 3, 12, 15, 16, and 24 have been amended. No new matter has been added. The objections and rejections will be addressed below under headings consistent with the Office Action.

Claim Rejections – 35 USC §102

In the Office Action claims 1, 3, 4, 9-14, 19, 20, and 24 were rejected under 35 USC 102(b) as being anticipated by US Patent 5,935,162 to Dang.

Independent claim 1 has been amended and is directed to an unexpanded stent characterized by a longitudinal axis. The stent comprises a plurality of serpentine bands which extend about the circumference of the stent. Each serpentine band comprises a plurality of substantially straight struts. Each strut has a first end and a second end. Each two adjacent struts are connected one to the other at a first end or a second but not both. Adjacent struts which are connected at their first ends are joined by a trough portion. Adjacent struts which are connected at their second ends are joined by a peak portion. Each serpentine band includes adjacent struts joined by a peak portion which together define an opening which extends parallel to the longitudinal axis of the stent. Each serpentine band also includes adjacent struts joined by a peak portion which together define an opening which includes a section which is parallel to the longitudinal axis of the stent and another section which is skewed relative to the longitudinal axis of the stent.

This combination of features is not disclosed in Dang. The struts of a given serpentine band of Dang in combination with the peaks do not define a space which includes a parallel portion and a skewed portion.

Therefore, independent claim 1 and claims 3-4 and 9-11 dependent therefrom are patentable over Dang.

Independent claim 12 has been amended to recite that the peak portions of the at

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least one serpentine band are at the distal end of the band such that the peak portions are more distal than the trough portions. Some of the peak portions include bent peak portions which bend away from the longitudinal axis of the stent. Each of the bent peak portions wrap at least partially about an adjacent peak portion.

This combination of features does not appear to be disclosed or suggested in Dang. Therefore, claim 12 and claims 13-14 and 19-20 dependent therefrom are believed to be patentable over Dang.

Independent claim 24 has been amended to recite that the peak portions of the at least one serpentine band are at the distal end of the band such that the peak portions are more distal than the trough portions. The peak portions include at least two bent peak portions which have a different shape than the other peak portions and which wrap at least partially about an adjacent peak.

This combination of features does not appear to be disclosed or suggested in Dang. Therefore, claim 24 is believed to be patentable over Dang.

Claim Rejections – 35 USC §103

In the Office Action, claims 21-23 were rejected under 35 USC 103(a) as being unpatentable over Dang in view of US Patent 5,725,548 to Jayarman et al. Claims 21-23 are dependent on claim 12 which is believed to be in condition for allowance. For at least this reason, claims 21-23 are also allowable. Applicant respectfully requests that the rejection be withdrawn.

Allowable Subject Matter

In the Office Action, claims 2, 5, 6, and 15-18 were recognized as having allowable subject matter but were objected to as being dependent on a rejected base claim. Claims 2 and 15 have been rewritten in independent form to claim the limitations of the base claim and are believed to be in condition for allowance. Claims 5 and 6 are dependent upon amended claim 1 which is believed to be in condition for allowance. Claims 16-18 are dependent upon amended claim 15 which is believed to be in condition for allowance.

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CONCLUSION


In view of the foregoing it is believed that the present application, with pending claims 1-6 and 9-24 is in condition for allowance. Early action to that effect is earnestly solicited.

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Respectfully submitted,

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